

RESPONSE

In the above referenced office action, the Examiner indicated that the response filed on 5/31/05 was not fully responsive because the applicant failed to elect a species in the species requirement mailed on 12/31/04.

The applicant believes that an election was made on page 5, second paragraph, of the response filed on 5/31/05, which states:

The applicant requests reconsideration of the restriction requirement and, based on the following, makes a preliminary election of claims 1-7, 9 and 10. Given the figure based species groupings made by the Examiner, the applicant cannot make any other preliminary election.

The applicant believes that, given the Examiner's figure based species classification, the election previously provided is proper, but offers the alternative election of claims 1 - 7 and 9.

The applicant reasserts the request to withdraw the restriction requirement in accordance with 37 CFR § 1.143. The applicant would again like to draw the Examiner's attention to 37 CFR 1.141(a) - Different inventions in one national application, which states:

(a) Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess

of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

With respect to the first part of this rule, the present patent application does not include two or more independent (i.e., there is no disclosed relationship between the two or more subjects disclosed - the present patent application only discloses one subject: an on-chip multiple tap transformer balun) and distinct inventions (i.e., the inventions are patentable over each other - the present patent application includes only one invention: an on-chip multiple tap transformer balun).

The next part of the rule states that more than one species of an invention may be specifically claimed in different claims in one national application provided:

- the number of species is reasonable (i.e., not to exceed a reasonable number); and
- the application includes an allowable claim generic to all the claimed species; and
- all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

In this patent application, the claims include one generic independent claim (claim 1) and eight dependent claims thereof (claims 2 - 8, and 10). Thus, even if each dependent claim were considered to introduce a difference species, it is a dependent claim upon a generic independent claim and thus compliant with the rule.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

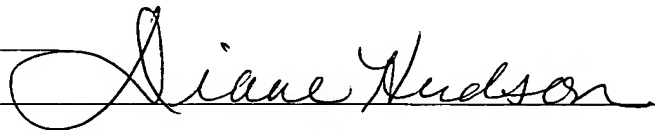
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CERTIFICATE OF MAILING

37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, Virginia 22313, on the date below:

10/19/05



Date

Signature